REMARKS

Claims 1-23 are pending in the present application. Claims 21-23 were objected to due to informalities. Claims 1, 9-13, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Muchel, U.S. Patent No. 4,691,997. Claims 1-4 and 20-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Schmidt et al., U.S. Patent Application Publication No. 2003/0133187. Claims 5-8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt et al. Claims 14 and 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Otaki, U.S. Patent No. 5,847,866. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Sato, U.S. Patent No. 5,519,531.

The claims have been amended. Reconsideration of the application is respectfully requested.

Objection due to informalities

Claims 21-23 were objected to due to informalities. Claim 21 has now been amended to recite the Bauernfeind prism, as recited in claim 4, and thereby provide proper antecedent basis in claims 21-22.

Withdrawal of the objection to the claims due to informalities is respectfully requested.

Rejections under 35 U.S.C. §102(b), 103(a)

Claims 21-23 were objected to due to informalities. Claims 1, 9-13, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Muchel, U.S. Patent No. 4,691,997. Claims 1-4 and 20-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Schmidt et al., U.S. Patent

Application Publication No. 2003/0133187. Claims 5-8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt et al. Claims 14 and 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Otaki, U.S. Patent No. 5,847,866. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Sato, U.S. Patent No. 5,519,531.

Muchel describes a microscope tube having a partially transmitting mirror 13 that splits incoming light toward a tube lens 11 and toward a mirror 15, which deflects the light toward binocular eyepiece 5 and camera 6. See col. 3, lines 35-45 and 54-60, and Fig. 1.

Schmidt et al. describes an observation system for a stereoscopic operation microscope in which light enters a prism 21 with a beam splitter surface that splits the light into a component 7 directed toward an observation instrument 8, and a component toward a reflection instrument 9, which deflects that component toward observation instrument 10. See paragraph 0021, and Fig. 1.

Independent claim 1 of the present application has now been amended so as to recite wherein the beam deflecting device is configured "to split, into at least a first partial beam and a second partial beam, a light beam coming from the adaptation interface, and downstream of the splitting, to deflect the first partial beam away from the operator interface and the second partial beam in a direction of the beam deflecting unit and away from the operator interface." Support for the amendment may be found, for example, at paragraphs 0008 and 0009 and Fig. 1, of the present specification. It is respectfully submitted that neither Muchel nor Schmidt et al. teaches or suggests such a beam deflecting device configured to split such light beam into a first and second partial beams, and downstream of the splitting to deflect both partial beams away from the operator

interface, as recited in claim 1. In contrast, the mirror 15 of Muchel deflects the light beam toward the binocular eyepiece 5, rather than away from the operator interface, as recited in claim 1. Regarding Schmidt et al., the light component 7 split by prism 21 is deflected by prism 21 toward the observation instrument 8, rather than away from the operator interface, as recited in claim 1. The other light component split by prism 21 is deflected by reflective instrument 9 toward observation instrument 10, rather than away from the operator interface, as recited in claim 1. It is noted that the split light components of Schmidt et al. are neither both deflected away from observation instrument 8 nor both deflected away from observation instrument 10. Schmidt et al. therefore fails to teach deflecting both partial beams away from the operator interface, as recited in claim 1. Because both Muchel and Schmidt et al. are missing at least the above-recited features of claim 1, neither of these references can anticipate claim 1 or any of its dependent claims. Nor does Schmidt et al. suggest the above-recited features of claim 1, nor do either of Otaki or Sato teach or suggest the above-recited feature of claim 1. Therefore neither Schmidt et al. nor any combination of Muchel or Schmidt with Otaki or Sato, to the extent proper, could render any of the claims obvious.

Withdrawal of the rejection of claims 1, 9-13, 19 and 20 under 35 U.S.C. §102(b) based on Muchel, of claims 1-4 and 20-22 under 35 U.S.C. §102(e) based on Schmidt et al., of claims 5-8 and 23 under 35 U.S.C. §103(a) based on Schmidt et al., of claims 14 and 15 under 35 U.S.C. §103(a) based on Muchel in view of Otaki, and of claims 16-18 under 35 U.S.C. §103(a) based on Muchel in view of Sato, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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Respectfully submitted,

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